



S/N 09/970,597

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	COHEN-HAGUENAUER	Examiner:	D. NGUYEN
Serial No.:	09/970,597	Group Art Unit:	1645
Filed:	OCTOBER 4, 2001	Docket No.:	8076.110USC2 12291.53USC2
Confirmation No.:	2710	Customer No.:	23552
Title:	RETROVIRAL VECTOR FOR THE TRANSFER AND EXPRESSION OF GENES FOR THERAPEUTIC PURPOSES IN EUKARYOTIC CELLS		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 347834442 US  
Date of Deposit: August 21, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By

Name: Sheryl A. Boerboom

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is being submitted in response to the Restriction Requirement mailed February 26, 2003. The Examiner has restricted the claims into two groups of inventions: Group I, claims 27-33, 38, 39 and 42-44 drawn to Friend Murine Leukemia Virus based retroviral vectors and Group II, claims 34-37, 39 and 42-46 drawn to Friend Murine Leukemia Virus FB29 retroviral vector deficient in envelope protein or modified in 3' long terminal repeat. Applicant respectfully traverses this restriction requirement.

Applicant submits that the Examiner has not established that it would be unduly burdensome to search each of these groups in accord with MPEP 803. The Examiner has not shown that these claims are in a separate classification, have a separate status in the art, and/or require a different field of search. In fact, as indicated by the Examiner, these two groups of claims are found in the same class and subclass. Moreover, a search for the claims directed to a

Friend Murine Leukemia Virus based retroviral vector is likely to cover prior art concerning Friend Murine Leukemia Virus FB29 that has been modified.

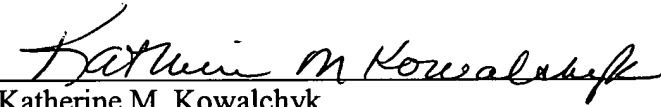
Even though Applicant traverse the restriction requirement, Applicant provisionally elects group I including claims 27-33, 38, 39, and 42-44. Applicant also provisionally elects FACC as the exogenous nucleotide sequence and the promoter is the promoter for the epidermal growth factor receptor.

Applicant requests that the Examiner contact Applicants' representative if prosecution may be assisted.

Respectfully submitted,

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Date: August 21, 2003

  
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